IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE THIRD DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE B.PRAKASH RAO

WRIT PETITION NO : 23976 of 1998

Between:

The Divisional Manager, A.P.S.R.T.C.,
Kakinada, East Godavari District.

..... PETITIONER

AND

1 State Transport Appellate Tribunal, Andhra Pradesh, Hyderabad,Rep. by its

Presiding Officer.
2 Regional Transport Authority, East Godavari District, at Kakinada.
3 Ramakrishna Chowdary, Ramakrishna Ice Factory,
R/o Mandapeta, East Godavari District.
4 The Principal Secretary, Government of Andhra Pradesh,
Transport (R & B) IV Department, A.P. Hyderabad
5 The Transport Commissioner, A.P. Hyderabad

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate writ, order or direction, especially in the nature of a Writ of Certiorari, calling for the records relating to the impugned order dt: 10-7-1998 made in A.P.No.44/95, State Transport Appellate Tribunal, A.P. Hyderabad, setting aside the order in R.No.10196/A1/94, dt: 28-12-1994 of the Regional Transport Authority, East Godavari District at Kakinada and directing issue of permit to 3rd respondent on the so-called town service route, Mandapeta Rajaratna Theatre Centre to Gangavaram, as being hit by the provisions of the Section 104, M.V.Act, 1988. It is further prayed to declare that Rule 258(2) (ii) of A.P.M.V. Rules 1989, in so far as it confers power on the Transport Commissioner to convert a mofussil route as town service route as ultravires M.V.Act 1988 and against the law laid down by Supreme Court and quash the same as being illegal, without jurisdiction and invalid.

Counsel for the Petitioner: MR.K.HARINATH

Counsel for the Respondent Nos.1,2,4 & 5: GP FOR TRANSPORT

Counsel for the Respondent No.3: None appeared.

The Court made the following :

WRIT PETITION NO. 23976 OF 1998.

ORDER:-

Heard both the learned counsel. This writ petition is filed aggrieved by the order of the State Transport Appellate Tribunal, A.P., Hyderabad setting aside the order of the Regional Transport Authority, Kakinada, East Godavari District, directing issue of permit to third respondent on the route Mandapeta Rajaratna Theatre Centre to Gangavaram.

Case of the petitioner is that third respondent made an application to second respondent for grant of a pucca stage carriage permit on the so-called town service route and the second respondent rejected the said application. Against the said order, third respondent preferred appeal before first respondent, which was allowed. Further, the case of the petitioner is that the proposed route overlaps the notified route which is approved in G.O.Ms.No.295 dated 8-4-1976.

Having considered the submissions made on either side and on perusal of the material on record and in view of the principles laid down by a Full Bench of this Court in **A.P.S.R.T.C. v. State Transport Appellate Tribunal and others ,** such plea is not permissible. According, this writ petition is dismissed. No costs.

Stv/- 3—11—2004.

To

1 The Presiding Officer, State Transport Appellate Tribunal, Andhra Pradesh,

Hyderabad .
2 Regional Transport Authority, East Godavari District, at Kakinada.

3. The Principal Secretary, Government of Andhra Pradesh,
Transport (R & B) IV Department, A.P. Hyderabad
4. The Transport Commissioner, A.P. Hyderabad

5. Two C.Cs to G.P. for Transport, High Court Buildings, Hyd. (OUT)

6. Two C.D. Copies.